

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

LUIS ALEJANDRO GARZA

VS.

THE UNITED STATES OF
AMERICA

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§

CIVIL ACTION NO. B-02-154
FEDERAL TORT CLAIMS ACT

EXHIBIT "2"

recreation yard at the facility such as number and location of guards and the proper procedure once such riotous behavior commences.

RESPONSE:

See attached Exhibit 3.

5. Any governmental policy or standard addressing or which applies to the gathering together of four or more inmates at one place at one time in the recreational yard at the facility.

RESPONSE:

None exists.

7. Documentation of similar incidents.

RESPONSE:

The United States objects to the production of the materials sought in this request. The United States will be filing a motion to dismiss this case for failure to state a claim upon which relief can be granted. The defendant should not be required to go through the burden and expense associated with gathering these materials until such time as the Court may rule on its motion to dismiss.

8. Documents which reflect recommendations on how to avoid incidents similar to the incident.

RESPONSE:

No such documents exist.

9. Any report created or generated by any expert which Defendant intends to call as a witness.

RESPONSE:

No such documents exist at this time.

10. All video tapes or photographs relating to the incident, including depictions of the scene where the incident occurred or injuries suffered by Plaintiff or other inmates as a result of the incident.

RESPONSE:

See attachment marked as Exhibit "4".

11. Any statements, recorded in any manner, by Plaintiff or other persons having knowledge